

JOHN M. SORICH (CA Bar No. 125223)
jsorich@adorno.com
S. CHRISTOPHER YOO (CA Bar No. 169442)
cyoo@adorno.com
ADORNO YOSS ALVARADO & SMITH
A Professional Corporation
1 MacArthur Place, Suite 200
Santa Ana, California 92707
Tel: (714) 852-6800
Fax: (714) 852-6899

Attorneys for Defendants
EMC MORTGAGE CORPORATION AND CITIBANK, N.A.,
AS TRUSTEE FOR CERTIFICATE HOLDERS OF
STRUCTURED ASSET MORTGAGE INVESTMENTS II
TRUST 2007-AR6, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-AR6

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DAVID S. MEDINA and STEVEN MEDINA aka
STEVEN SALCEDO,

Plaintiff,

v.

EMC Mortgage Corporation, OneWest Bank FSB
by acquisition of Indymac Bank FSB and
Citibank, N.A., As Trustee For Certificateholders
of Structured Asset Mortgage Investments II
Trust 2007-AR6, Mortgage Pass-Through
Certificates, Series 2007-AR6

Defendants.

CASE NO.: 09-cv-04830 CW

JUDGE: Hon. Claudia Wilken

**AMENDED ORDER DISMISSING
PLAINTIFF'S COMPLAINT WITH
PREJUDICE**

DATE: September 2, 2010

TIME: 2:00 PM

CTRM: "2"

ACTION FILED: October 9, 2009

The Motion of Defendants EMC Mortgage Corporation ("EMC") and Citibank, N.A., as Trustee for Certificateholders of Structured Asset Mortgage Investments II Trust 2007-AR6, Mortgage Pass-Through Certificates Series 2007-AR6 ("Citibank" and collectively, "Defendants"), for an order dismissing the First Amended Complaint ("FAC") of plaintiffs David S. Medina and Steven Medina aka Steven Salcedo ("Plaintiffs") with prejudice against Defendants was taken under


1 submission on the papers.

2 After full consideration of the evidence, having reviewed the papers in support of the
3 Motion, the Court rules as follows:

4 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

- 5 1. The Motion to Dismiss is granted for Plaintiffs' failure to file a further amended
6 complaint.
- 7 2. The complaint against One West Bank FSB is dismissed for the same reason.
- 8 3. In this action, the FAC in its entirety is dismissed with prejudice as to all Defendants.
- 9 4. Defendants are entitled to a judgment.

10
11 DATED: September 10, 2010


By: _____
Honorable Claudia Wilken
United States District Court Judge

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